

MAJOR BOYD WHITLEY,)	
)	Case No.: 1:19cv-358
Plaintiff,)	
)	
vs.)	
)	ANSWER
SHERIFF VAN SHAW, CAPTAIN M. NESBITT,)	
LIEUTENANT W. WALLACE,)	
)	
Defendants.)	

FIRST DEFENSE
RESPONSE TO COMPLAINT ALLEGATIONS

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VI. Denied.

SECOND DEFENSE
GOVERNMENTAL IMMUNITY and/or
PUBLIC OFFICIAL IMMUNITY

The actions of the defendants, including those actions alleged, are protected from liability by the doctrine of governmental immunity and/or public official immunity, which are a bar to recovery by the plaintiff.

THIRD DEFENSE
NO PROXIMATE CAUSE

The actions of the defendant were not the proximate cause of any alleged injury to plaintiff, which lack of proximate cause is a bar to recovery by the plaintiff.

FOURTH DEFENSE
FAILURE TO FOLLOW GRIEVANCE PROCEDURE

The plaintiff failed to follow the defendant's grievance procedure and did not exhaust it, pursuant to the provisions of the Prison Litigation Reform Act.

FIFTH DEFENSE
STATUTE OF LIMITATIONS/STATUTE OF RESPOSE

The claims of the plaintiff are barred by the application Statute of Limitations or Statute of Repose.

WHEREFORE, the defendants, having answered the allegations of the complaint, pray the Court as follows:

1. That the plaintiffs have and recover nothing of these defendants and that this action be dismissed with prejudice;
2. For costs of this action; and

3. For such other and further relief as is just.

This 22nd day of August, 2019.

~~/s/ Richard M. Koch~~_____

RICHARD M. KOCH

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